

#3

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First-Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 31, 2005

Signature:

(Bryan D. Lempi)

Docket No.: 28944/38523  
(PATENT)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:  
Jerome Asius et al.

Application No.: 10/542,544

Confirmation No.: To Be  
Determined

Filed: July 18, 2005

Art Unit: To Be Determined

For: Ceramic-Based Injectable Implants for Filling  
Wrinkles, Skin Depressions and Scars, and  
Preparation Thereof

Examiner: Not Yet Assigned

## INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed within three months of the U.S. filing date (37 CFR 1.97(b)(1)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patents in accordance with 37 CFR 1.98(a)(2) on the enclosed CD-ROM. If printed copies of the references are required, we will provide same.

**BEST AVAILABLE COPY**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.K./

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication, or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 28944/38523. A duplicate copy of this paper is enclosed.

Dated: August 31, 2005

Respectfully submitted,

By Bryan J. Lempia  
Bryan J. Lempia

Registration No.: 39,746  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant

**BEST AVAILABLE COPY**



Approved for release through 07/31/2008. OMB 0551-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Project, persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

## **Complete if Known**

Application Number 10/542,544  
Filing Date July 18, 2005  
First Named Inventor Jerome Asius  
Art Unit 1619  
Examiner Name Not Yet Assigned Tigabu Kassa  
Attorney Docket Number 28944/38523

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.†	Document Number Number-Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	*	US-4,643,982	02-17-1987	Kasuga et al.	
	*	US-5,204,382	04-20-1993	Wallace et al.	
	*	US-5,258,028	11-02-1993	Ersek et al.	
	*	US-5,475,052	12-12-1995	Rhee et al.	
	*	US-5,476,666	12-19-1995	Rhee et al.	
	*	US-5,510,121	04-23-1996	Rhee et al.	
	*	US-5,510,418	04-23-1996	Rhee et al.	
	*	US-5,922,025	07-13-1999	Hubbard	
	*	US-5,952,010	09-14-1999	Constantz	
	*	US-5,962,028	10-05-1999	Constantz	
	*	US-5,997,574	12-07-1999	Hayes et al.	
	*	US-6,037,519	03-14-2000	McKay	
	*	US-6,051,247	04-18-2000	Hench et al.	
	*	US-6,117,456	09-12-2000	Lee et al.	
	*	US-6,432,437	08-13-2002	Hubbard	
	*	US-6,537,574	03-25-2003	Hubbard	
	*	US-6,558,612	05-06-2003	Hubbard	
	*	US-2002/151466	10-17-2002	Hubbard et al.	
	*	US-2003/3055512	03-20-2003	Genen et al.	

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.†	Foreign Patent Document Country Code* -Number-Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T*
		EP-0 196 143-A2	01-10-1986	de Groot		
		EP-0304305-B1	02-22-1989	Ray et al.		
		EP-0353936-B1	02-07-1990	Ray et al.		
		EP-0444157-B1	09-04-1991	Rhee et al.		
		EP-0497846-B1	08-12-1992	Fjellstrom		
		EP-0622990-B1	11-09-1994	Constantz		
		EP-0 627 899-B1	12-14-1994	Wallace et al.		
		EP-0631499-B1	01-04-1995	Hubbard		
		EP-0656215	06-07-1995	Rhee et al.		
		EP-0835668	04-15-1998	Constantz		
		EP-0934087	04-30-1998	McKay		
		EP-0910546-B1	04-28-1999	Shimp et al.		
		EP-1051205	08-05-1999	Wironen et al.		
		EP-0836929-B1	08-25-1999	Lee et al.		
		EP-0973561-B1	01-26-2000	Wenz et al.		
		EP-1187636	12-28-2000	Spiro et al.		
		EP-1204434	02-22-2001	Hubbard et al.		
		EP-1 080 698-A1	03-07-2001	Hubbard		
		EP-1080699-B1	03-07-2001	Hubbard		
		EP-1080737-B1	03-07-2001	Hubbard		
		EP-1229858	05-10-2001	Niederauer et al.		

Examiner Signature Date Considered

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Application Number				10/542,544	
Filing Date				July 18, 2005	
First Named Inventor				Jerome Asius	
Art Unit				0	
Examiner Name				Not Yet Assigned	
Attorney Docket Number				28944/38523	

	EP-1120439-B1	08-01-2001	Wallace et al.	
	EP-1272232	10-11-2001	Chae et al.	
	EP-1144459-B1	10-17-2001	Barbucci et al.	
	EP-1153621	11-14-2001	Wenz et al.	
	EP-1227851-B1	08-07-2002	Wahlig et al.	
	EP-1237585-B1	09-11-2002	Chaput et al.	
	EP-1255576-B1	11-13-2002	Chaput et al.	
	EP-1280562-B1	02-05-2003	von Heimburg et al.	
	EP-1443981	05-22-2003	Lemaître et al.	
	EP-1446099	05-22-2003	Chen et al.	
	EP-1344538	09-17-2003	Maspero et al.	
	EP-1380313	01-14-2004	Tas	
	EP-1413320	04-28-2004	Berger et al.	
	EP-0784487	09-29-2004	Agerup	
	FR-2693716	01-21-1994	Lacout	
	FR-2705235	11-25-1994	Patat	
	FR-2715853	08-11-1995	Daculsi	
	FR-2733426	10-31-1996	Debracker Yves	
	FR-2733427	10-31-1996	Debracker Yves	
	FR-2737663	02-14-1997	Daculsi Guy	
	FR-2778336	11-12-1999	Perraud	
	FR-2780730	01-07-2000	Taupin et al.	
	FR-2794763	12-15-2000	Dellacherie et al.	
	FR-2805747	09-07-2001	Lacout	
	FR-2805748	09-07-2001	Lacout	
	FR-2811996	01-25-2002	Piron	
	FR-2819722	07-26-2002	Comeal Industrie	
	FR-2819814	07-26-2002	Laboratoire IBF	
	FR-2824272	11-08-2002	Matsushima	
	FR-2825924	12-20-2002	Bellity	
	FR-2852249	09-17-2004	Chavrier	
	JP-63317159	12-26-1988	Kiminori	
	JP-3094761	04-19-1991	Kazuo	
	JP-2002058736	02-26-2002	Takaaki et al.	
	JP-2004181121	07-02-2004	Masamichi et al.	
	WO-87/05521	09-24-1987	Parsons et al.	
	WO-91/17777-A1	11-28-1991	Walker	
	WO-93/15721	08-19-1993	Furman	
	WO-93/16657	09-02-1993	Wallace et al.	
	WO-94/21299	09-29-1994	Agerup	
	WO-97/05832	02-20-1997	Hayes et al.	
	WO-98/17330	04-30-1998	McKay	
	WO-98/40113	09-17-1998	Wironen et al.	
	WO-98/56431	12-17-1998	Asius et al.	
	WO-99/02107	01-21-1999	Hench et al.	
	WO-99/19003	04-22-1999	Armstrong et al.	
	WO-99/38543	08-05-1999	Wironen et al.	
	WO-9951164	10-14-1999	Borland et al.	
	WO-00/78356	12-28-2000	Spiro et al.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.K./